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AN ADDRESS

TO

R. W. HORTON, ESQ. M.P.

UNDER SECRETARY OF STATE
FOR THE COLONIAL DEPARTMENT,

ON THE BILL TO BE INTRODUCED BY HIM
INTO PARLIAMENT,

FOR

ALIENATING THE CLERGY LANDS

IN UPPER CANADA.

LONDON:

PRINTED BY A. J. VALPY;
AND SOLD BY SHERWOOD AND CO. PATERNOSTER ROW;
AND ALL BOOKSELLERS IN TOWN AND COUNTRY.

1827.

The EDITH *and* LORNE PIERCE
COLLECTION *of* CANADIANA

Queen's University at Kingston

ADDRESS, &c.

Sir,

The attention of the government and people of Great Britain have of late been directed to the provinces of Upper and Lower Canada; and the importance and value of these appendages to the imperial crown are now beginning to be appreciated. The commerce of that country has been freed from a great portion of the shackles with which it had been for a long time fettered: laws for the encouragement of its agriculture have been lately passed; canals to connect the lakes and to open the navigation of the River St. Laurence have been begun; and a joint-stock company has been formed, for the purchase, improvement, and settlement of the crown reserves in the upper province, from whose labours, if carried on with

spirit and liberality, the most beneficial results may be expected. The province itself is gifted with greater natural capabilities than any other country of equal extent in the known world. It is blessed with a rich and fertile soil, and a most genial climate; and it requires only inhabitants, and capital to call its energies into action, to make it, in a short time, one of the most flourishing parts of the British empire.

To Earl Bathurst, secretary for the colonial department, the upper province has, I believe, been indebted for a great part of the benefits and advantages it has of late obtained; and it is also under considerable obligations to you, sir, for the zeal and assiduity with which you have followed up these views of his lordship, and for the time you have devoted, and the trouble you have taken in bringing them to maturity. Satisfied as I am of these facts, I feel convinced that when you last week asked leave to introduce a bill into parliament, for the disposal of the clergy lands in the upper province, you did it from the purest motives, and from a positive conviction that you were thereby promoting the best interests of the colony.

I beg it therefore to be perfectly understood, that in differing from you on this subject, I have not the smallest intention to impugn your motives, or to impute any improper ones to you. I feel convinced that you have been misinformed or

misled; as I am perfectly aware that situated as you are, with such a multiplicity of business on your hands, it is quite impossible for you to examine every thing yourself, and that you must therefore depend upon others for a great part of the requisite information.

Neither do I find fault with the general object you have in view. I am as much convinced as any man at all acquainted with the province can be, of the great benefit it would derive from the improvement and cultivation of the clergy reserves; it is therefore only to the exclusive application of the fund accruing from the disposal of these reserves, as proposed by you, that I object.

I do not think that you are borne out in that particular application by the act of parliament to which you referred. This I conceive to be a striking illustration of what I have stated, as to your having been misinformed or misled: I am satisfied, that if you had read the act of parliament of 1791 yourself, you would not have given the reply which you are reported to have done to a question put by Mr. Baring: his question was—"Whether these clergy reserves were intended *solely* for the Church of England?" Your reply is said to have been, "Undoubtedly the act of 1791 provided and enacted that one-seventh out of every grant of land should be reserved *for the Church of England.*" Mr. Baring again asked—

"And these reserves therefore are to be considered as the property of the Church of England?" You replied, "Yes, according to the act of 1791."

Now, sir, I do repeat that if you had read the act of 1791, you would not have given such an answer; you would at least have *doubted;* many others would have gone further, and would have *declared,* that it did not give the whole of these reserves to the Church of England. In proof of what I now state, I take leave to make a few observations on the clauses of the act which relate to this subject, and which will be found in the Appendix.

The first clause, which is the thirty-sixth of the act, gives a general authority to His Majesty to make a permanent appropriation of lands in the said provinces for the support and maintenance of *a protestant clergy;* and this appropriation is fixed at the one-seventh part of the lands granted, or to be afterwards granted.

The second clause directs that the rents, profits, or emoluments which may arise from such lands, shall be applicable solely to the maintenance and support of a protestant clergy within the province.

The third, fourth, and fifth clauses give authority to the governor, or lieutenant-governor of the province, with the advice of the executive council, to build in parishes that are or may be formed, parsonages or rectories, according to the

establishment of the Church of England, to present to them incumbents or ministers of the Church of England, and to endow them accordingly.

The sixth clause provides that all the foregoing clauses may be varied or repealed by the Legislative Council and Assembly in the said province, with the consent of His Majesty.

In these clauses, there appears a marked distinction made between a *protestant clergy* and *the Church of England:* indeed, sir, I scarcely think it possible that you could take upon you to argue that by the term *protestant clergy,* Church-of-England clergy were exclusively understood. As a Scotch presbyterian I would protest most strongly against such a doctrine; I would assert that a presbyterian clergyman is as truly a protestant one, as any Church-of-England clergyman existing, and as much acknowledged by the law of the land. I do not therefore conceive that it was the intention of the framer of this act to appropriate the whole of those reserves to the clergymen of the Church of England. I think he wished to adopt a more liberal and enlarged policy. At the time the act was passed, the benefits and advantages to be derived, not merely from religious liberty, but from the equal support of Christians of all denominations, must have been evidently seen, in the case of the neighbouring country, the United States, which were then rising fast into import-

ance, in a great degree from this very circumstance; and it is therefore very natural to conclude, that it was intended to give Canada the same advantage.

The very wording of the clauses shows this in the strongest manner. The first clause is a general one: it directs generally that one-seventh of the whole lands shall be appropriated to the general support of a protestant clergy; and this is confirmed by the second (37). The third and fourth (38 and 39) are particular ones: they direct that a part of this appropriation shall be applied when required to the building of churches, and to the support and maintenance of clergymen of the Church of England. Had it been intended that the whole of this appropriation should have been exclusively devoted to the maintenance of the clergy of the Church of England, it is conceived, it would have been so expressed at once; or perhaps it would have been requisite that a clause had been introduced stating that the Church of England was to be the established religion of the colony. Now this seems to have been studiously avoided. The term *protestant clergy* has not been incidentally introduced, for it is to be found in the first clause three times; and it is repeated in the second, and again in the sixth and seventh (41 and 42 of the act); and the term Church of England is only mentioned in

the two clauses, where a partial appropriation of these funds are directed to the erection of a parsonage, and the endowment of an incumbent of that church.

I am aware that it may be objected to this interpretation of the act, that no other denominations of protestants are mentioned in it but those of the Church of England, and that, therefore, it is to be concluded that none other were intended. To this objection I would reply, that at the time this act passed, the inhabitants of Upper Canada were very few; indeed, until this act passed, the province of Upper Canada had no existence, for it was included in the province of Quebec; and the inhabitants being few, consisting principally of the loyalists who had been driven out of the United States at the peace of 1783, the variety of the denominations of Christians must have been few and inconsiderable; and, therefore, it had been deemed sufficient to provide for those of the Church of England, leaving to the Legislative Council and Assembly, with the consent of His Majesty, to provide for the other denominations of protestants, when it might be found necessary to do so. This is most strongly supported by the last clause quoted in the Appendix (being the forty-second of the act), which, in directing that any laws made in the province to vary or repeal any of the clauses in this act, should be submitted to the Houses of Parliament of Great Britain,

before receiving His Majesty's assent; among many other matters it is expressly stated, " or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship, in respect of his said office or function." Now, I cannot conceive what interest or concern the Legislative Assembly of Upper Canada, or the Houses of Parliament of Great Britain, could have with the dues, stipends, or emoluments, to be paid to any minister, priest, or ecclesiastic, unless the same were to be paid out of the appropriation of lands, for the support and maintenance of *a protestant clergy*.

This clause is immediately followed by another: " or shall in any manner relate to or affect the establishment or discipline of the Church of England amongst the ministers and members thereof within the said provinces," thus evidently showing, that the framers of this act, although anxious to support the Church of England in the province, only regarded it as *one* of the denominations of the protestant clergy within the province, and not as the *sole* one.

As a most convincing proof that I am not singular in my explanation of this act of parliament, I have only to refer to what is passing at this moment in the province of Upper Canada itself.

At the very time that you are introducing to the Imperial Parliament an act to put the clergymen of the Established Church of England in that province in possession of these lands, the Legislative Assembly of the province are availing themselves of the authority given them by the act of parliament which has been quoted, to pass a bill to dispose of those lands, and to apply the proceeds "to increase the provincial allowance, for the support of district and common schools, for the endowment of a respectable seminary for learning, and in aid of erecting places of public worship *for all denominations of Christians.**

The motion for bringing in this act was made in the Legislative Assembly of the Upper Province on the 6th January last.

Having thus shown pretty clearly that you are not borne out in appropriating the whole of these lands exclusively to the use of the clergy of the Church of England, by the act of parliament to which you have referred, I shall now proceed to discuss a more important point, to examine in what manner this measure will be received by the present inhabitants of the colony, in what light it will be viewed by them, and what effect it will have upon the future prosperity of the colony, should it be carried into execution.

It has been already mentioned, that at the time

* A copy of the resolutions passed on this occasion will be found in the Appendix, No. 2.

this act of 1791 was passed, there were few settlers in Upper Canada: since that period the influx has been very great, and its population is now estimated at above 200,000. By far the greatest part of these are Scotch Presbyterians, English Dissenters, and Irish Roman Catholics. The numbers of the Church of England being calculated not to exceed one-tenth part of the whole, by nine-tenths of the present inhabitants of the colony this measure will therefore be reprobated and opposed in the strongest manner. As a proof of this, it is only necessary to refer to the document already quoted, and to be found in the Appendix; viz. the resolutions moved and carried in the Legislative Assembly of the colony. These resolutions were carried by a majority of 27, being 30 ayes to 3 noes: which may be taken as a strong corroboration of the above calculation, that the members of the Church of England are not one-tenth part of the inhabitants of the colony. If, therefore, you persist in introducing the bill, and carrying it through parliament, the colony will be thrown into a state of ferment; and it is impossible to say what the consequences may ultimately be.

At all events, this measure will have a most fatal effect upon the future prosperity of the colony. One of the great inducements hitherto held out to parties to settle in that country has been, that all denominations of the Christian religion were not only tolerated, but *supported*. But this

last assertion would be completely done away with, should a national church be established in the colony, and have bestowed upon it, exclusively, the whole of those lands which have been hitherto presumed to have been intended for the support of all. In reply to this, it may be said, that all other sects will be left at full liberty to enjoy their own peculiar form of worship. In some cases this might be sufficient, in the present it is not; and I have never heard it stated without calling to recollection the reply that was made to the assertion, "that in England the law was open to all parties indiscriminately:" yes, as taverns are, to all who have money in their pockets. In the present case it is exactly similar; a poor man who cannot support himself in this country finds his way to Canada, perhaps sent out by yourself, and there gets a little spot of waste land, which he has, by dint of hard labour and industry to work into cultivation, and with difficulty gain his support from. This man is told as a great consolation and inducement, that whatever denomination of Christians he belongs to, he shall be at full liberty to enjoy his own peculiar form of worship. Of what use can this be to such a man, unless the *means* of enjoying this form of worship be also given to him? He has most probably been set down with perhaps ten or a dozen more, equally poor as himself, in some distant part of the wilderness, where neither church or clergymen are to be found.

Is it for a moment to be supposed, that these people can have the power of building a church, or paying a stipend to a minister? If they cannot, they must remain completely destitute of all religious instruction, or change their opinions, and conform to the Established Church. Thus, in future, settlers in Upper Canada will be in no better situation than they would be, were a law passed that none should be allowed to settle there, but those who conformed to the established religion.

I do not hesitate to say, that if it were your wish and intention to put a stop to future emigration to Canada, you could not take a more effectual mode than by carrying this bill. Very numerous applications have been made by the starving manufacturers of Paisley and Glasgow to be sent out to Canada; and I see by the papers, that they are waiting with anxiety the determination of the Committee on Emigration, previous to their making further applications. I know that one of the principal motives that induce my countrymen to give the preference to Canada, is the assurance that has been repeatedly given them, that they will there not only enjoy religious liberty, but have afforded them the means of religious instruction: the passing of this bill will at once convince them that this has been a complete delusion, and that they can have no hope of any such privilege or accommodation in Canada.

Fully convinced of your good intentions in

general towards Upper Canada, I really feel reluctant to find fault with your conduct, or to call any part of it disingenuous; but justice to the cause which I have taken up forces me to say, that there is more intended in this motion of yours than meets the ear. In this enlightened age, had you brought forward a bill to make the Church of England the only established church in that province, you are aware that it would have been most strenuously opposed: you have therefore attempted to do this by a side wind; for what will this bill that you propose to bring in be, but a complete acknowledgment that the Church of England is the established religion of that country, should that bill appropriate to the use of that church alone the whole of the property that had been originally devised for the support of a protestant clergy in general? For although it is only in the first instance to authorise the disposal of half of those reserves, yet you unequivocally stated, that the whole were undoubtedly the property of the Church of England. In this view of the case, I ask, was it candid in you to state in the House, "that you would not then enter into the extensive question of the condition of the *protestant* church in Canada; for though the honorable member for Callington (Mr. Baring) had adverted to it, it was in no way present before the House." I have no doubt that you were aware, that if that question had been fairly gone

into, such an *exposé* would have been made, as would have astonished the House, and would most probably have stopped your bill *in limine*. I cannot help here remarking a curious circumstance, if your speech has been fairly reported; you acknowledged the existence in that country of a protestant church, of which the Church of England was only a part; although, by your explanation of the act of 1791, you deny the existence of a protestant clergy, except in the persons of the clergy of the Church of England.

I shall now take the liberty of saying a few words upon the policy of this measure. I cannot possibly define the motives that could have induced you to entertain an idea of such a step: you do not seem to be at all aware, that so far from being in accordance with the bill of 1791, it is in perfect opposition to it, and completely does away with all its regulations with regard to those lands. That bill sedulously guarded against putting them into the power of any clergymen whatever: they were left entirely at the disposal of the lieutenant-governor and executive council of the province, who were authorised and directed, whenever a clergyman was required in a township, or parish, to apply part of those lands to the building of a parsonage, or rectory, and to the endowment of the clergyman. Now, sir, what is it you propose to do? To throw at once the whole of them into the hands and power of a very few

clergymen of the Church of England at present established there. Their number, I believe, to be twenty-two or twenty-three; and the lands to be given up to them are nearly equal in quantity, and far superior in richness and fertility, to all the arable lands of Scotland. Certainly a most magnificent gift; but for what purpose, or to what good end, I cannot conceive. Indeed, I do not see the necessity or propriety of selling these lands at all: the clergy do not require capital, but income; and I have understood that they have been allowed to let them, or part of them, upon lease: for which purpose an establishment, called the clergy corporation, has been appointed; how, or by whom, I do not know, nor can I get any authentic information; but I observe that it is to it you mean to give the charge and disposal of these lands. This, I conceive to be a most dangerous step: I trust I shall not be deemed invidious or narrow-minded in making this assertion. The experience of all ages has shown the fatal effects of clergymen being allowed to intermeddle with, or have any power over temporal affairs: and, as already stated, this is perfectly in opposition to the spirit and enactments of the act of 1791.

By this measure, the government of that province will be completely deprived of all power of providing for the clergymen of any other persuasion, however circumstances may occur imperiously to call for such a step. It will also be

deprived of the power of providing the means of public instruction; a measure most particularly required in the colony, and the want of which will be of the most serious consequences.

I cannot help remarking upon the very extraordinary period which you have chosen to bring these lands into the public market. Previous to the year 1824, Government were in the habit of giving away the lands in Upper Canada to whoever applied for them, upon paying certain fees. In that year you entered into a negociation with the Canada Company, for the disposal of two million and a half of acres: that sale has since been concluded; and this Company, in order to reimburse themselves, must bring these lands into the market. The lieutenant-governor of the province has, it would appear, received instructions to give away no more lands, but to sell as many as he can upon certain terms, which have been advertised by him in all the Canada newspapers for these eighteen months past. Thus two opposite parties are already in that market offering lands for sale; and now, sir, you want to throw a third into it, in the shape of this clergy corporation, and that in a country where, hitherto, land has been thought dear enough when got for nothing, but the expense of clearing and bringing it to cultivation. This is literally and truly killing the goose that laid the golden eggs. If a proper arrangement was made

for the letting of those lands, a sufficient, nay, a handsome income for the clergy at present in the country might soon be obtained; and this might be increased by the letting of more, when found necessary, while their value, in a few years, would be increased beyond calculation or belief. If they are thrown into the market at the present moment, and a sale of them is forced, they will fetch little or nothing, and the views of the clergy corporation will be completely frustrated; Government will be disappointed in the expectation of the sales to be made by the lieutenant-governor of the province, and the Canada Company must be materially hurt. Indeed, the effects of this measure will be much more fatal than might be supposed to follow the throwing an additional eight hundred thousand acres into the market, because it will not merely be affected by the additional quantity thus offered for sale, but by the circumstance, as already stated, of the diminution of purchasers, in consequence of the great inducement to emigrate to that country being cut off.

It has been alleged, that the Canada Company have an additional complaint to make against you,—that of having broken your faith with them. It has been asserted that, after having positively sold them those very lands you now propose to offer for sale, they were taken back, and a territory in the wilderness given instead, accompanied

with an engagement, promise, or understanding, that these clergy lands should not be allowed to be sold for some years. With this, however, I have nothing to do: it is upon general principles that I take up the case; and I shall leave the Canada Company to fight their own battles with you themselves.

Having thus endeavoured to show that neither the people of the country, the prosperity of the country, nor the policy of the country, are in favour of the measure you propose, or will be benefited by it,—I shall now take the liberty to point out what appears to me to be the course that ought to be adopted in regard to those lands, so as to render them of the greatest benefit to the colony, and most conducive to its future prosperity.

When Mr. Pitt introduced the bill of 1791, it appears to have been his decided intention that there should be no established religion in Canada alone to be provided for by the Government, but that assistance and support should be given to all sects of Protestant Christians indiscriminately. If such was his feeling at that time, how much more so would it be at present, were he alive to follow up the plans which his able, comprehensive, and liberal mind had suggested! If, at that period, he saw the propriety of not making the Church of England the established religion of that country, how much more would he be determined against

it now, when he found that that profession was confined to less than a tenth part of the inhabitants of the province! When the whole, or even the greatest proportion of the inhabitants of a country, are of one profession of religion, it is probable that no very great practical evil will result from making that one the established religion of the country, although, even in such a case, I do not hesitate to say that the future prosperity of the country may be injured. But to establish in any country a religion which is not that of nine-tenths of the inhabitants, is completely sealing the fate of that country. Of this we have a very strong, and a very melancholy instance near at home, in the case of Ireland; but on this subject I dread giving way to my feelings, for fear of saying too much. I shall, therefore, content myself with calling upon you, sir, who are a professed advocate for the Catholic Claims, to desist from attempting to involve Upper Canada in the distress and confusion in which Ireland has been placed ever since it got an established religion different from that of nineteen-twentieths of its inhabitants.

The extraordinary rise and progress of the United States without any established religion, should be a strong inducement to continue in Upper Canada the same system: more especially as the probability is, that if the arrangement you meditated be carried into execution, not only will

the emigrants, who would otherwise have gone to that province, give the preference to the United States, but a great many of those who are already settled in Canada will throw up their possessions, and retire into the States also.

To obviate this, I should take leave to propose, that these clergy reserves be returned to the custody of those under whose charge they were originally placed; viz. the lieutenant-governor and executive council; that they should be applied exclusively to the benefit of the township in which they are situated; that whenever an application is made by a sufficient number of inhabitants of a township, professing to be of one denomination of Christians, whatever that may be, to the lieutenant-governor and council, they should immediately direct that a certain number of lots of the clergy reserves in that township be disposed of, to raise funds to build a church and house for the clergyman, to whom one lot should also be appropriated as glebe; the applicants binding themselves, if it be found necessary, to provide a certain definite income for the clergyman. Should an application be made for a school and a master, the same process should be adopted, but on a more limited scale; reserving always to the lieutenant-governor and council the right of examining into those applications, and determining whether the applicants were entitled to what they claimed.

The reserves are scattered all over the province; they are to be found in every township: and it appears evidently to have been the intention of the framer of the act, that the reserves in each township should be applied to the benefit of that township. This would be completely provided for by what I have just proposed; and the inhabitants would not only have the satisfaction of having these reserves cultivated, but of seeing them appropriated to the purposes for which they were originally intended; the connexion between the inhabitants and the clergymen would be kept up; they would feel an interest in him, and he in their prosperity, both spiritual and temporal. Whereas, were the scheme that you have brought forward carried into execution, if I understand it right, the whole proceeds would be thrown into one general mass, out of which clergymen of the Church of England appointed, or to be appointed, to the different districts or townships, would be paid; and thus clergymen would be sent to a part of the country where they had no connexions, or even, probably, acquaintance; and being quite independent of their flock, without any inducement to form an intimate connexion with them, they would pay them little or no attention, more especially if the greater part of that flock consisted of parties not attached to the Church of England.

I think I have said enough to show the object

at which I aim; and I shall, therefore, conclude with apologising for taking this public mode of addressing you, as, not having the honour of being known to you, I had no other method of making my sentiments known, or having any attention paid to them. I have also to apologise for the hasty and imperfect manner in which this has been drawn up: the necessity of dispatch, and the short intervals of leisure allowed me by a laborious employment, have prevented my paying that attention to the composition, and the arrangement of the argument, that the importance of the subject deserved, and which would have made it more worthy your attention.

I have the honour to be, Sir,

Your most obedient servant,

A SCOTCH PRESBYTERIAN,
AND A WELL-WISHER TO UPPER CANADA.

APPENDIX I.

Clauses of the Act of 31st George III. referred to in page 6.

XXXVI. And whereas His Majesty has been graciously pleased, by message to both Houses of Parliament, to express His Royal desire to be enabled to make a permanent appropriation of lands in the said provinces, for the support and maintenance of a Protestant clergy within the same, in proportion to such lands as have been already granted within the same by His Majesty: And whereas His Majesty has been graciously pleased, by his said message, further to signify His Royal desire that such provision may be made, with respect to all future grants of land within the said provinces respectively, as may best conduce to the due and sufficient support and maintenance of a Protestant clergy within the said provinces, in proportion to such increase as may happen in the population and cultivation thereof: Therefore, for the purpose of more effectually fulfilling His Majesty's gracious intentions as aforesaid, and of providing for the due execution of the same in all time to come, be it enacted by the authority aforesaid, That it shall and may be lawful for His Majesty, his heirs or successors, to authorise the Governor or Lieutenant-Governor of each of the said provinces respectively, or the person admi-

nistering the government therein, to make, from and out of the lands of the crown within such provinces, such allotment and appropriation of lands, for the support and maintenance of a Protestant clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of His Majesty: And that whenever any grant of lands within either of the said provinces shall hereafter be made, by or under the authority of His Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above-mentioned purpose, within the township or parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands, so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

XXXVII. And be it further enacted by the authority aforesaid, That all and every the rents, profits, or emoluments, which may at any time arise from such lands so allotted and appropriated as aforesaid, shall be applicable solely to the maintenance and support of a Protestant clergy within the province in which the same shall be situated, and to no other use or purpose whatever.

XXXVIII. And be it further enacted by the autho-

rity aforesaid, That it shall and may be lawful for His Majesty, his heirs or successors, to authorise the Governor or Lieutenant-Governor of each of the said provinces respectively, or the person administering the government therein, from time to time, with the advice of such executive council as shall have been appointed by His Majesty, his heirs or successors, within such province, for the affairs thereof, to constitute and erect within every township or parish which now is or hereafter may be formed, constituted, or erected within such province, one or more parsonage or rectory, or parsonages or rectories, according to the establishment of the Church of England; and from time to time, by an instrument under the great seal of such province, to endow every such parsonage or rectory with so much or such part of the lands so allotted and appropriated as aforesaid, in respect of any lands within such township or parish, which shall have been granted subsequent to the commencement of this Act, or of such lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may be given by His Majesty, in respect of any lands granted by His Majesty before the commencement of this Act, as such Governor, Lieutenant-Governor, or person administering the government, shall, with the advice of the said executive council, judge to be expedient under the then existing circumstances of such township or parish.

XXXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for His Majesty, his heirs or successors, to authorise the Governor, Lieutenant-Governor, or person administering the government of each of the said provinces respectively, to present to every such parsonage or rectory an incumbent

or minister of the Church of England, who shall have been duly ordained according to the rites of the said Church, and to supply from time to time such vacancies as may happen therein; and that every person so presented to any such parsonage or rectory, shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the incumbent of a parsonage or rectory in England.

XL. Provided always, and be it further enacted by the authority aforesaid, That every such presentation of an incumbent or minister to any such parsonage or rectory, and also the enjoyment of any such parsonage or rectory, and of the rights, profits, and emoluments thereof, by any such incumbent or minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of *Nova Scotia*, or which may hereafter, by His Majesty's Royal authority, be lawfully granted or appointed to be administered and executed within the said provinces, or either of them respectively, by the said Bishop of *Nova Scotia*, or by any other person or persons, according to the laws and canons of the Church of England, which are lawfully made and received in England.

XLI. Provided always, and be it further enacted by the authority aforesaid, That the several provisions hereinbefore contained, respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces, and also respecting the constituting, erecting, and endowing parsonages or rectories within the said provinces, and also respecting the pre-

sentation of incumbents or ministers to the same, and also respecting the manner in which such incumbents or ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any Act or Acts which may may be passed by the legislative council and assembly of the said provinces respectively, and assented to by His Majesty, his heirs or successors, under the restriction hereinafter provided.

XLII. Provided nevertheless, and be it further enacted by the authority aforesaid, That whenever any Act or Acts shall be passed by the legislative council and assembly of either of the said provinces, containing any provisions to vary or repeal the above-recited declaration and provision contained in the said Act passed in the fourteenth year of the reign of His present Majesty; or to vary or repeal the above-recited provision contained in His Majesty's Royal instructions, given on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to the said *Guy Carleton*, esquire, now Lord *Dorchester;* or to vary or repeal the provisions herein-before contained for continuing the force and effect of the said declaration and provisions; or to vary or repeal any of the several provisions herein-before contained respecting the allotment and appropriation of lands for the support of a Protestant clergy within the said provinces; or respecting the constituting, erecting, or endowing parsonages or rectories within the said provinces; or respecting the presentation of incumbents or ministers to the same; or respecting the manner in which such incumbents or ministers shall hold and enjoy the same: And also that whenever any Act or Acts shall be so passed, containing any provisions which shall in any manner relate to or

affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications in respect of the same; or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights herein-before mentioned; *or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any minister, priest, ecclesiastic, or teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the Church of England, amongst the ministers and members thereof within the said provinces;* or shall in any manner relate to or affect the King's prerogative touching the granting the waste lands of the crown within the said provinces; every such Act or Acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both Houses of Parliament in *Great Britain:* and that it shall not be lawful for His Majesty, his heirs or successors, to signify his or their assent to any such Act or Acts, until thirty days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall, within the said thirty days, address His Majesty, his heirs or successors, to withhold his or their assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said purposes, within either of the said provinces, unless the legislative council and assembly of such province shall, in the session in which the same shall have been passed by them, have presented to the governor, lieutenant-governor, or person administering the government of such

province, an address or addresses, specifying that such Act contains provisions for some of the said purposes herein-before specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to *England* without delay, for the purpose of being laid before Parliament previous to the signification of His Majesty's assent thereto.

APPENDIX II.

UPPER CANADA.

RESOLUTIONS ON THE CLERGY RESERVES.

[These resolutions, as proposed by Mr. MORRIS, were adopted with only two amendments, which we have put in Italics—see 2d and 5th.—]

1st.—Resolved, that the despatch of the Right Hon. Earl Bathurst, His Majesty's Principal Secretary of State for the Colonies, communicated to this House on the 12th instant, by his Excellency the Lieutenant-Governor, in answer to the address to His Majesty of this House at its last session, respecting the Clergy Reserves, is unsatisfactory to this Assembly, inasmuch as it is silent on a material part of the respectful representation of this House, contained in the said address.

2d.—Resolved, the Imperial Parliament, by conferring on the people of Upper Canada a constitution, in *many* important respects, similar to that enjoyed by the inhabitants of the parent state, was desirous of promoting the happiness and prosperity of all persons who might become resident in the colony.

3d.—Resolved, that the appropriation of a seventh of all the surveyed lands within the province, for the sup-

port and maintenance of a Protestant clergy, is a striking manifestation of the paternal regard of the government of the mother country to all His Majesty's subjects, and with power by the assembly to legislate thereon, a most important part of the said constitution.

4th.—Resolved, that the Imperial Parliament foresaw the probability of circumstances in the condition of the inhabitants of this colony, which might render an alteration in the law, with respect to the clergy reservation expedient, and wisely left the Provincial Parliament at liberty to make such changes therein as the future state of society might require.

5th.—Resolved, that the construction given to the Imperial Act, which appropriates the clergy reserves, by individuals connected with the Church of England; and the determination of the clergy of that church to withhold from all other denominations of Protestants residing within the province, the enjoyment of any part of the benefits arising, or which may arise from the lands so set apart, call for the immediate attention of the Provincial Legislature to a subject of such vital interest to the public in general, *and that such claim by the Protestant Episcopal Church is contrary to the spirit and meaning of the 31st Geo. 3d, and most injurious to the interests and wishes of the province.*

6th.—Resolved, that a comparatively small proportion of the inhabitants of Upper Canada are members of the Church of England, and therefore ought not in justice to desire the sole enjoyment by their clergy, of all the advantages which these lands present, to the exclusion of their fellow-subjects, although equally loyal, and firm in their attachment to His Majesty's government and the constitution.

7th.—Resolved, that in a thinly inhabited country such

as Upper Canada, where the means of moral instruction to the poor are not easily obtained, it is the bounden duty of the Parliament to afford every assistance within its power towards the support of education.

8th.—Resolved, that the present provision for the support of district and common schools, is quite inadequate to the wants of the people, and ought, by every reasonable exertion, to be increased so as to place within the reach of the poorest inhabitant the advantages of a decent education.

9th.—Resolved, that it is the opinion of a great proportion of the people of this province, that the clergy lands, in place of being enjoyed by the clergy of an inconsiderable part of the population, ought to be disposed of, and the proceeds of their sale applied to increase the provincial allowance for the support of district and common schools, and the endowment of a respectable provincial seminary for learning, and in aid of erecting places of public worship for all denominations of Christians.

10th.—Resolved, that it is expedient to pass a bill, authorising the sale of all the clergy lands within this province, for the purpose set forth in the foregoing resolution; and to address His Majesty, humbly soliciting that he will be graciously pleased to give the royal assent to the said bill.

11th.—Resolved, that the chairman be instructed to move the House for the appointment of a select committee to draft a bill pursuant to the last resolution.

On the motion of *Mr. Rolph*, that it should be resolved that the members of the Protestant Episcopal Church in this province bear a very small proportion to the numbers of other Christians, notwithstanding the pecuniary

aid long exclusively received from the benevolent society in England by the members of that church and their pretensions to a monopoly of the clergy reserves—the House divided.—*Yeas* 30, *Nays* 3—carried by 27.

THE END.

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